

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

UNITED STATES OF AMERICA <i>ex rel.</i>	§	
DANIEL MONTES, JR. and ELIZABETH H.	§	
HUDSON,	§	
	§	
Plaintiffs,	§	
	§	
VS.	§	CIVIL ACTION NO. SA-16-CA-523-FB
	§	
MAIN BUILDING MAINTENANCE, INC.;	§	
JXM, INC.; ROBERT A. XIMENES; ELVIRA	§	
H. XIMENES; and MARGAUX I. XIMENES,	§	
	§	
Defendants.	§	

**ORDER REINSTATING CASE ON DOCKET, UNSEALING
OF CERTAIN PLEADINGS AND OTHER ORDERS**

On October 18, 2017, this Court entered an Order of Administrative Closure in this case to allow the United States time to make its intervention decision. On March 19, 2019, the United States filed under seal its Notice of Election to Decline Intervention (docket #24). The United States requests that the relators' complaint, the notice, and the proposed order be unsealed. Based on the Notice, the Court finds the case should be reopened at this time and certain pleadings unsealed.

Accordingly, IT IS HEREBY ORDERED that the case is hereby reopened and reinstated on the Court's docket. IT IS FURTHER ORDERED that pursuant to the United States' Notice of Election to Decline Intervention and the False Claims Act, 31 U.S.C. § 3730(b)(4)(B), the United States' requests contained in the Notice (docket #24) are GRANTED such that:

- (1) the Complaint (docket #1) is UNSEALED and shall be served upon the defendants by the relators;
- (2) all other contents of the Court's file in this action shall remain UNDER SEAL and SHALL NOT be made public or served upon the defendants except for this Order and the United States' Notice of Election to Decline Intervention, which the relators shall serve upon the defendants ONLY AFTER service of the Complaint;
- (3) the seal is hereby LIFTED as to all other matters occurring in this action AFTER the date of this Order;

- (4) the parties shall serve all pleadings and motions filed in this action, including supporting memoranda, upon the United States as provided in 31 U.S.C. § 3730(c)(3). The United States may order any deposition transcripts and is entitled to intervene in this action for good cause at any time;
- (5) the parties shall serve all notices of appeal upon the United States;
- (6) all orders of this Court shall be sent to the United States; and
- (7) should the relators or the defendants propose that this action be dismissed, settled, or otherwise discontinued, the Court will solicit the written consent of the United States before ruling or granting approval.

It is so ORDERED.

SIGNED this 3rd day of June, 2019.



FRED BIERY
UNITED STATES DISTRICT JUDGE